

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES -Commercial Taxes Department - Allegations of corruption against Sri G.Pandurangarao, former Assistant Commercial Tax Officer (now Retd.), Tanuku, West Godavari District, trapped on 24.8.1994 - Recommended for prosecution in a Court of Law - Charge Sheet filed in Hon'ble Court for ACB & SPE Cases, Vijayawada - Convicted - Punishment of dismissal from service imposed - Accused Officer filed a Criminal Appeal in the Hon'ble High Court of AP against the orders of Trial Court - Criminal Appeal allowed - Punishment rescinded - Further action dropped and regularized the period of dismissal as not on duty- Orders - Issued.

REVENUE (VIG.I) DEPARTMENT

G.O. (Rt.) No. 100.

Dt:17.01.2012.

Read the following:-

- 1) Judgement of the Special Judge for SPE & ACB Cases, Vijayawada, dt.06.12.2003.
- 2) Proceedings of Deputy Commissioner (Commercial Taxes), Kakinada Nodal Division, Ref.No.E1/230/2004, Dt.29.5.2004.
- 3) From the High Court of AP orders in Criminal Appeal No.1316/2003, dt.3.3.2011.
- 4) Representation of Sri G.Pandu Ranga Rao, formerly Assistant Commercial Tax Officer, dt.16.5.2011.
- 5) Proceedings of Deputy Commissioner (Commercial Taxes), Kakinada, Ref.No.P1/205/2005, dt.10.10.2011.
- 6) From the CCT's Ref.No.V3/1619/1994, dt.25.11.2011.

ORDER:

Whereas, in the reference 2nd read above, orders were issued by the Deputy Commissioner(Commercial Taxes), Kakinada, imposing a punishment of dismissal from service on Sri G.Pandurangarao, formerly Assistant Commercial Tax Officer, Tanuku, West Godavari District, (now Retired) on the ground of conduct which led to his conviction on a criminal charge.

2) And whereas, Sri G.Pandurangarao, formerly Assistant Commercial Tax Officer (now Retired) approached the Hon'ble High Court of Andhra Pradesh by filing Criminal Appeal No.1316/2003 against the judgement of the Special Judge for SPE & ACB Cases, Vijayawada in C.C.No.14/1995, dt.06.12.2003. The Hon'ble High Court of AP in the reference 3rd read above, among others, held that the findings arrived at by the Trial Court are perverse and illegal and accordingly allowed the appeal by setting aside the orders of the Special Judge for SPE & ACB Cases, Vijayawada, in CC No.14/1995, dt.06.12.2003.

3) And whereas, in the reference 4th read above, Sri G. Panduranga Rao, formerly Assistant Commercial Tax Officer has requested the Government to drop further action in the matter on humanitarian grounds and to regularize the period from 01.02.2004 to 31.08.2007 as duty period and also to pay pension and pensionary benefits as well as promotional avenues on par with his juniors; keeping in view the acquittal orders of High Court of Andhra Pradesh and also their financial and medical problems.

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4) And whereas, in the reference 6th read above, the Commissioner of Commercial Taxes, AP., Hyderabad, while enclosing the report of Deputy Commissioner (Commercial Taxes), Kakinada, has requested to regularize the suspension/dismissal period as deemed fit for release of pensionary benefits to Sri G. Pandurangarao, formerly Assistant Commercial Tax Officer. The Deputy Commissioner (Commercial Taxes), Kakinada, in his letter 5th read above, reported that the suspension period of Sri G.Panduranga Rao, formerly Assistant Commercial Tax Officer from 01.10.1994 to 31.03.1998 was already regularized as on duty by the then Deputy Commissioner (Commercial Taxes), Eluru. The incumbent was on leave from 01.02.2004 to 29.05.2004 and the same has to be treated as leave as applied by the individual and the remaining period i.e., from 30.05.2004 to 31.08.2007 (under dismissal) is also to be regularized as deemed fit in the matter.

5) Government have examined the request of Sri Pandurangarao, formerly Assistant Commercial Tax Officer (now retired); keeping in view the acquittal orders of the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No. 1316/2003, dt.03.03.2011 and reports and decided to drop further action against Sri Pandurangarao, formerly Assistant Commercial Tax Officer by rescinding the orders of Deputy Commissioner (Commercial Taxes), Kakinada issued in the reference 2nd read above.

6) Government, after careful examination of the matter, hereby rescind the orders issued in the reference 2nd read above and drop further action against Sri G. Pandurangarao, formerly Assistant Commercial Tax Officer; keeping in view the acquittal orders of the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No. 1316/2003, dt.03.03.2011 and also order to regularize the dismissal period i.e., from 30.05.2004 to 31.08.2007 as not on duty, since the dismissal period was not wholly unjustified and the period from 01.02.2004 to 29.05.2004 be treated as leave as applied for by the individual and to release pensionary benefits to him. The period from 30.05.2004 to 31.08.2007 shall however count for notional increments, pay fixation, leave, promotion etc.

7) The Commissioner of Commercial Taxes shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri G.Pandurangarao, former Assistant Commercial Tax Officer (now Retired)
through the Commissioner of Commercial Taxes, A.P., Hyderabad.
The Commissioner of Commercial Taxes, A.P., Hyderabad.
The Revenue (CT.I) Department for taking further necessary
action in respect of notional promotion, if any.

Copy to:-

The Accountant General, A.P., Hyderabad.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Director General, Anti Corruption Bureau, A.P., Hyderabad.
The Secretary, A.P. Vigilance Commission, Secretariat, Hyderabad.
File/SF/SCs.

//Forwarded :: By Order //

SECTION OFFICER.